

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	Case No. 8:05CR149
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
AARON OLIVO,	)	
	)	
Defendant.	)	

On August 18, 2005, the defendant's Appeal of Magistrate's Detention Order, Filing No. 33, was heard. The defendant was present with his attorney AFPD John C. Vanderslilce. AUSA Michael Wellman appeared on behalf of the government.

A de novo review of the defendant's detention was had. Evidence was adduced which included the defendant's prior criminal record, the Record of Oral Pretrial Services Report dated May 5, 2005, and a Substance Abuse Assessment report performed by Robert E. Battle, Jr., LADC, dated May 11, 2005. The court requested the defendant to provide information concerning his release status prior to his incarceration in the Nebraska Department of Corrections in May 1999. Counsel for the defendant submitted a copy of the records of NCIC/NCIS, NCJIS - Nebraska Jail Information, and a letter dated and received on August 19, 2005. The government has not responded to same.

The defendant requests an order permitting him to become involved with inpatient treatment at the Campus for Hope in Omaha, Nebraska.

After a review of the above information, the court finds that the defendant is a fit candidate for inpatient release to the Campus for Hope in Omaha, Nebraska. The court notes that the only failure to appear chargeable to the defendant is for a no vehicle registration ticket in July of 2004. His other failure to appear warrant was a state warrant on March 2, 2005. The warrant issued because the defendant failed to appear for a state charge while he was being detained for the

instant matter.

The court also notes that the defendant was released on a state bond prior to his last prison sentence of nine years. The defendant is facing no more serious jail time in the instant case.

When the magistrate judge first reviewed this matter, the defendant had a number of outstanding charges and warrants in the state courts. Presently he has posted bond on his only remaining state charge and is eligible for release should the court determine a set of conditions that can reasonably assure his return to court and the safety of the community.

The defendant has submitted information that documents a substantial addiction. He has also expressed a willingness to undergo inpatient treatment. He has had no prior drug treatment and, if convicted of the instant case, is not likely to qualify for the RDAP treatment in the Bureau of Prisons due to the nature of his pending charges.

The court finds that the defendant is a fit candidate for release to an appropriate inpatient drug treatment facility.

IT IS ORDERED that the defendant may be screened and placed on a waiting list of an appropriate inpatient drug treatment facility. In the event the defendant is accepted, the court will enter a release order, to be signed by the defendant, allowing his release from pretrial detention under conditions to be determined at that time based upon the facility to which he will be admitted.

DATED this 23rd day of August, 2005.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
United States District Judge